

AMENDED IN SENATE JUNE 30, 1997
AMENDED IN ASSEMBLY JUNE 3, 1997
AMENDED IN ASSEMBLY MAY 15, 1997
AMENDED IN ASSEMBLY APRIL 8, 1997

CALIFORNIA LEGISLATURE—1997–98 REGULAR SESSION

ASSEMBLY BILL

No. 853

Introduced by Assembly Member Hertzberg
(Principal coauthor: Assembly Member Washington)
(Coauthors: Assembly Members Bowen, Gallegos, Knox,
Kuehl, Pacheco, and Villaraigosa)
(Coauthors: Senators Karnette and Solis)

February 27, 1997

An act to add *and repeal* Title 7 (commencing with Section 14000) ~~to~~ *of* Part 4 of the Penal Code, relating to law enforcement, and making an appropriation therefor.

LEGISLATIVE COUNSEL'S DIGEST

AB 853, as amended, Hertzberg. Community Law Enforcement and Recovery Demonstration Project.

Existing law establishes several community crime prevention projects, including the Community Violence Prevention and Conflict Resolution Project, the California Community Crime Resistance Program, the Gang Violence Suppression Program, and the Rural Crime Prevention Demonstration Project.

This bill would authorize, *until January 1, 2004*, the City and County of Los Angeles to establish a Community Law Enforcement and Recovery (CLEAR) Demonstration Project, a multiagency gang intervention program, to be administered by the City of Los Angeles under a joint powers agreement with the Los Angeles County Sheriff's Department, the Los Angeles County District Attorney's office, the Los Angeles County Probation Department, the Los Angeles Police Department, and the Los Angeles City Attorney's office. The bill would require the parties to the agreement to work together to provide a flexible and coordinated response to crime perpetrated by criminal street gangs by addressing each community's gang problems and identifying the gangs associated with each community. The bill would specify the roles of each party to the agreement.

This bill would require an independent evaluation of the project to be prepared and submitted to the Legislature at the end of each fiscal year. *It would require that the Board of Corrections choose the entity that will conduct the evaluation through a competitive bidding process after sending out requests for proposals.*

This bill would appropriate \$13,000,000 from the General Fund to the Board of Corrections for specified local assistance and administrative costs, including \$10,100,000 to the City of Los Angeles to implement the CLEAR project.

Vote: ²/₃. Appropriation: yes. Fiscal committee: yes. State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Title 7 (commencing with Section
2 14000) is added to Part 4 of the Penal Code, to read:

3

4 TITLE 7. COMMUNITY LAW ENFORCEMENT
5 AND RECOVERY DEMONSTRATION PROJECT

6

7 14000. (a) The City and County of Los Angeles may
8 establish a Community Law Enforcement and Recovery
9 (CLEAR) Demonstration Project, a multiagency gang
10 intervention program, which shall be administered by



1 the City of Los Angeles under a joint powers agreement
2 with the Los Angeles County Sheriff's Department, the
3 Los Angeles County District Attorney's office, the Los
4 Angeles County Probation Department, the Los Angeles
5 Police Department, and the Los Angeles City Attorney's
6 office.

7 (b) The parties to the agreement shall work together
8 to provide a flexible and coordinated response to crime
9 perpetrated by criminal street gangs, in particular the
10 "18th Street Gang," by addressing each community's
11 gang problems and identifying the gangs associated with
12 each community.

13 14001. The role of each party to the agreement is as
14 follows:

15 (a) The district attorney shall do all of the following:

16 (1) Appoint a Gang Intervention Coordinator and
17 provide staff to the coordinator for the purposes of
18 coordinating the project among the parties and between
19 the parties and community groups.

20 (2) Conduct training for team members and outside
21 agencies and prepare written materials regarding
22 successful coordinated antigang strategies.

23 (3) Track all arrests made by the CLEAR team and
24 prepare reports on the progress of the prosecution effort
25 from the point of arrest through the final court disposition
26 of each case, including the length of imprisonment or the
27 terms of probation ordered.

28 (4) Vertically prosecute the most difficult cases
29 generated by CLEAR team arrests using novel and
30 innovative prosecution strategies that include granting
31 cross-designation status to city prosecutors so that these
32 cases may be effectively pursued in superior court.

33 (5) Prepare and prosecute civil injunctions against
34 gang activities occurring within the target area.

35 (6) Coordinate prevention and intervention strategies
36 with community-based organizations, schools, and
37 participating agencies and assist in the design and
38 implementation of these programs.

39 (b) The sheriff's department shall do both of the
40 following:

1 (1) Use jail and prison information to assist in the
2 resolution of unsolved homicides.

3 (2) Coordinate crime information between law
4 enforcement agencies.

5 (c) The probation department shall do all of the
6 following:

7 (1) Coordinate all target gang members on probation
8 into one case load for intensive supervision.

9 (2) Meet with community organizations and schools to
10 assess their needs with respect to gang intervention.

11 (3) Enforce probation terms and perform probation
12 searches.

13 (4) Provide information on probationary status of
14 gang members to local law enforcement agencies.

15 (d) The police department shall do both of the
16 following:

17 (1) Provide intensive law enforcement in areas most
18 impacted by criminal street gangs.

19 (2) Coordinate gang information with the sheriff's
20 department and probation department to identify gang
21 members for targeted law enforcement activities.

22 (e) The city attorney shall do all of the following:

23 (1) Prosecute misdemeanor criminal offenses.

24 (2) Coordinate civil building abatement and nuisance
25 abatement activities.

26 (3) Conduct vertical prosecutions of gang members.

27 14002. The parties shall be consolidated as a mobile
28 response unit that travels to each community that is
29 targeted for gang intervention strategies and operates
30 from one central location in that community.

31 14003. (a) The parties may solicit assistance from
32 local school police, the federal Bureau of Alcohol,
33 Tobacco, and Firearms, the federal Housing and Urban
34 Development Agency, the state parole authority, and the
35 Department of the Youth Authority for witness
36 protection and information and strategies for law
37 enforcement.

38 (b) The CLEAR project shall coordinate with
39 community-based organizations, schools, and businesses
40 to assess and respond to community enforcement needs

1 and concerns. The purpose of this coordination shall be to
2 increase communication between community members
3 and law enforcement agencies, to foster the exchange of
4 information about ongoing criminal activity, and to
5 respond creatively and quickly to community needs.
6 Some cooperative approaches may include
7 community-based policing and prosecution, probation
8 ride-alongs, target programs, civil injunctions, and
9 antitruancy and curfew violation programs.

10 14004. A Community Impact Team may be formed as
11 a citizens' advisory committee to the CLEAR project.

12 14005. An independent evaluation of the
13 effectiveness of the CLEAR project, including a detailed
14 cost-benefit analysis, shall be prepared and submitted to
15 the Legislature at the end of each fiscal year. *The Board*
16 *of Corrections shall choose the entity that will conduct*
17 *the evaluation through a competitive bidding process*
18 *after sending out requests for proposals.* The evaluation
19 shall include, but shall not be limited to, a description of
20 the extent to which the project has accomplished any of
21 the following:

22 (a) Decreased the number of known gang members.

23 (b) Reduced gang-related criminal offenses,
24 particularly homicides.

25 (c) Increased the arrests of gang members for violent
26 and nonviolent crimes.

27 (d) Successfully prosecuted CLEAR team arrestees.

28 14006. *This title shall remain in effect only until*
29 *January 1, 2004, and as of that date is repealed, unless a*
30 *later enacted statute, that is enacted before January 1,*
31 *2004, deletes or extends that date.*

32 SEC. 2. The sum of thirteen million dollars
33 (\$13,000,000) is hereby appropriated from the General
34 Fund to the Board of Corrections for local assistance and
35 administrative costs as follows:

36 (a) Ten million one hundred thousand dollars
37 (\$10,100,000) to the City of Los Angeles for the purposes
38 of implementing Title 7 (commencing with Section
39 14000) of Part 4 of the Penal Code, as enacted by Section
40 1 of this act. The city shall disburse these funds, without

1 withholding any portion of the funds to cover amounts
2 that may otherwise be in dispute, as follows:

3 (1) One hundred thousand dollars (\$100,000) to the
4 Gang Intervention Coordinator.

5 (2) Two million three hundred thirty-five thousand
6 dollars (\$2,335,000) to the Los Angeles Police
7 Department.

8 (3) One million six hundred sixty thousand dollars
9 (\$1,660,000) to the Los Angeles City Attorney.

10 (4) One million dollars (\$1,000,000) to the Los Angeles
11 County Sheriff.

12 (5) Two million dollars (\$2,000,000) to the Los Angeles
13 County District Attorney.

14 (6) Two million three hundred thirty-five thousand
15 dollars (\$2,335,000) to the Los Angeles County Probation
16 Department.

17 (7) Six hundred seventy thousand dollars (\$670,000)
18 shall be dedicated to the CLEAR project for the
19 coordination of the community intervention activities
20 required under this act.

21 (b) Two million four hundred thousand dollars
22 (\$2,400,000) shall be awarded through a competitive
23 grant process to county district attorneys' offices through
24 the Civil Gang Injunction Program. The purpose of this
25 program shall be to provide district attorneys in
26 California's 12 most populous counties with the resources
27 necessary to file civil injunctions against gangs and gang
28 members to restrain them from conducting activities that
29 harass, intimidate, threaten, and victimize members of
30 the community.

31 (c) Three hundred thousand dollars (\$300,000) shall
32 be awarded to a statewide district attorneys' association
33 for the Gang Prosecution Training Program. The purpose
34 of this program shall be to provide training to the
35 personnel of county district attorneys' offices regarding
36 methods for successfully prosecuting gang members.

37 (d) Two hundred thousand dollars (\$200,000) for costs
38 incurred by the board in administering the
39 implementation of the above programs.

1 SEC. 3. Due to the unique circumstances that the
2 CLEAR Demonstration Project has already been
3 developed in Los Angeles County, the Legislature hereby
4 finds and declares that a general statute cannot be made
5 applicable within the meaning of Section 16 of Article IV
6 of the California Constitution. This special legislation is,
7 therefore, necessarily applicable only to Los Angeles
8 County.

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